



3627
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Earl W. Emerick, et al. : Date: June 21, 2005
Group Art Unit: 3627 : IBM Corporation
Examiner: R. Laneau : Intellectual Property Law
Serial No.: 09/865,371 : Dept. 917, Bldg. 006-1
Filed: May 25, 2001 : 3605 Highway 52 North
Title: METHOD AND APPARATUS : Rochester, MN 55901
UPGRADE ASSISTANCE USING
CRITICAL HISTORICAL PRODUCT
INFORMATION

INFORMATION DISCLOSURE STATEMENT AND PETITION REQUESTING
CONSIDERATION UNDER 37 C.F.R. §1.97(d)

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants request that the information listed on the attached Form PTOSB08A be considered by the Office during the pendency of the above entitled application, pursuant to 37 C.F.R. §1.97. In accordance with 37 C.F.R. §1.97(h), the filing of this Information Disclosure Statement shall not constitute an admission that any information cited therein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b). In the interest of full and complete disclosure to the Office, some or all of the art cited herein may not be considered by Applicant(s) or the Undersigned to be material under the new standard of materiality defined in 37 C.F.R. §1.56(b), enacted March 16, 1992, but may be material under the old standard of materiality defined in 37 C.F.R. §1.56(a), last amended on November 28, 1988, or may merely be technical background which may be of interest to the Examiner. In accordance with 37 C.F.R. §1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

06/24/2005 EHAILE1 00000018 090465 09865371
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Docket No. ROC920010109US1
Serial No. 09/865,371

This Information Disclosure Statement is being filed under 37 C.F.R. §1.97(d) after final office action or notice of allowance, but before payment of the issue fee. The certification specified in 37 C.F.R. §1.97(e) follows below.

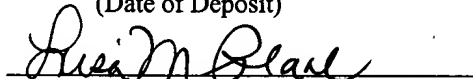
The petition fee of \$180.00 set forth in 37 C.F.R. §1.17(p) is to be charged to our Deposit Account No. 09-0465.

Date: June 21, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

June 21, 2005

(Date of Deposit)


Lisa M. Plank

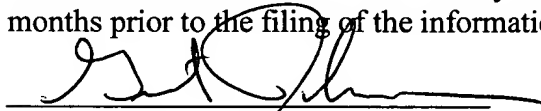
Respectfully submitted,

By: 

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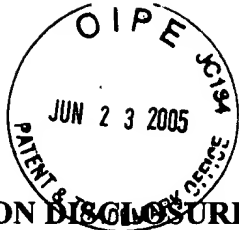
CERTIFICATION

I hereby certify that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.


Grant A. Johnson

6/21/2005
Date

PTO/SB/08A



INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Sheet 1 of 1

Application Number.: 09/865,371
 Filing Date: May 25, 2001
 First Named Inventor: Emerick
 Art Unit: 3627
 Examiner Name: R. Laneau
 Attorney Docket Number.: ROC920010109US1

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	<u>Document Number</u>		Name of Patentee or Applicant of Cited Document	Pages, Columns or Lines Where Relevant Passages or Figs. Appear
		Number - Kind Code ² (if known)	Publication Date MM-DD-YYYY		
		US - 2002/0147757	10-10-2002	Day et al.	
		US -			
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FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	<u>Foreign Patent Document</u>		Name of Patentee or Applicant of Cited Document	Pages, Columns or Lines Where Relevant Passages or Figs. Appear	T ⁶
		Country ³ - Number ⁴ - Kind Code ⁵ Code (if known)	Publication Date MM-DD-YYYY			

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language translation is attached.